

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

Case No. 5:24-CV-00108-M-RN

JOSHUA KATONA,

)

Plaintiff,

)

v.

ORDER

APPLE INC. et al.,

)

Defendants.

)

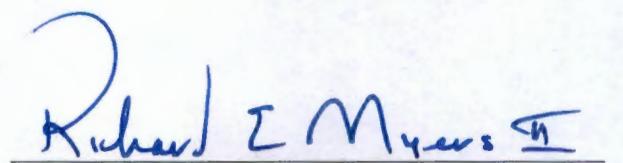
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This matter comes before the court on the memorandum and recommendation (the “Recommendation”) entered by Magistrate Judge Robert T. Numbers, II in this case on May 16, 2024 [DE 12]. In the Recommendation, Judge Numbers recommends that the court grant Defendants’ motion to dismiss. DE 12 at 2. The Recommendation, along with instructions and a deadline for filing objections, was served on the parties on May 16. *See id.* at 5. Neither party objected to the Recommendation. *See* Docket Entries dated May 16, 2024, to present.

A magistrate judge’s recommendation carries no presumptive weight. The court “may accept, reject, or modify, in whole or in part, the . . . recommendation[ ] . . . receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for “clear error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the Recommendation and the record presented, and finding no clear error, the court ADOPTS the Recommendation of Judge Numbers as its own. For the reasons stated therein, Defendant's motion to dismiss [DE 8] is GRANTED, and the Complaint [DE 1-1] is DISMISSED. The Clerk of Court is directed to close this case.

SO ORDERED this 16<sup>th</sup> day of July, 2024.

  
Richard E. Myers II  
RICHARD E. MYERS II  
CHIEF UNITED STATES DISTRICT JUDGE